

## **REMARKS**

Claims 1, 3-14, 17-29 and 32-41 are pending in the application. Claims 1, 22, 34 and 38-41 are amended herein to clarify the invention being claimed. Claims 2, 15-16 and 30-31 have been cancelled. Applicants request reconsideration and allowance of the application and Claims 1, 3-14, 17-29 and 32-41 in light of the Amendments and Remarks contained herein.

### **I. Objections/Rejections Presented in the Office Action**

The Office Action objected to Claims 1-2 and 38-41 due to several minor informalities. The Office Action rejected Claims 1-14, 17, 18, 22-25, 27-29 and 32-38 under 35 U.S.C. §103(a) as being obvious over U.S. Patent Number 7,422,781 to Gosselin ("Gosselin"). The Office Action also rejected Claims 19-21 and 39-41 under 35 U.S.C. §103(a) as being obvious over Gosselin in view of U.S. Patent Number 6,544,615 to Otten ("Otten"). Claim 26 was rejected under 35 U.S.C. §103(a) as being obvious over Gosselin in view of Japanese Publication Number JP 2003-345255 to Koshu ("Koshu"). To the extent these rejections would be applied against the claims, as amended, Applicants respectfully traverse.

### **II. The Objection to Claims 1-2 and 38-41 Should be Withdrawn**

Claim 1 was objected to due to the word "and" being inadvertently omitted from the claim as discussed at Page 2 of the Office Action. Applicants have amended Claim 1 to correct the noted informality.

Claim 2 was objected to because the Office states that Claim 2 was not renumbered as Claim 42. While Applicants disagree with such objection, Claim 2 has been cancelled in an effort to expedite prosecution.

Claims 38-41 were objected to because the preambles of these claims should recite a "mobile terminal" instead of a "method." Applicants have amended Claims 38-41 accordingly to correct the noted informality.

In light of the above Amendments to Claims 1-2 and 38-41, the objections to these claims are either overcome or rendered moot. Accordingly, reconsideration and withdrawal of the objections to Claims 1-2 and 38-41 is respectfully requested.

III. Claims 1-14, 17, 18, 22-25, 27-29 and 32-38 Are Allowable over Gosselin

The present invention is directed to a sheet having an adhesive that is configured to be releasably adhered directly to a housing or lens of a mobile terminal for blocking light to the lens and, thus, resulting in substantially preventing image capture. According to one embodiment, upon removal from the mobile terminal, the sheet is altered and the sheet's adhesive does not retain its adhesiveness so that the sheet cannot be re-applied once removed.

The Gosselin reference is directed to a multi-layer tamper-indicating tape. As illustrated in Figure 1 of Gosselin, the tamper-indicating tape includes a top layer 40, an adhesive layer 16, a flood coat 28, and a backing layer 12 disposed between the flood coat 28 and the top layer 40. The backing layer 12 comprises a frangible film 58. The tamper-indicating tape is applied to a surface of an object so that the adhesive 16 adheres to the surface. When the tape is removed/alterd, the top layer 40 is removed from the object's surface, leaving the adhesive 16 adhered to the surface and exposing the flood coat 28. This provides an easy way to determine if the tape has been tampered with.

A. Gosselin Fails to Teach or Suggest Each Recited Element of Independent Claims 1, 22, and 34.

The basic requirement of a *prima facie* case of obviousness 35 U.S.C. §103(a) is a clear articulation of the reason(s) why the claimed invention "as a whole" would have been obvious. *See* MPEP §2142. The determination of patentability is based on the entire record, by a preponderance of evidence, which legal standard requires the evidence to be more convincing than the evidence which is offered in opposition to it. *See* MPEP §2142. In other words, as explained in MPEP §2142, "the Examiner must provide evidence which as a whole shows that the legal determination sought to be proved (*i.e.*, the reference teachings establish a *prima facie* case of obviousness) is more probable than not." In rejecting a claim as obvious, the Examiner must consider all of the claim limitations in view of the prior art. *See In re Wilson*, 424 F.2d 1382, 1385, 165 USPQ 494, 496 (CCPA 1970); and *see also* M.P.E.P. § 2143.03.

Independent Claims 1, 22 and 34 each recite: ". . . a sheet having an upper surface, a lower surface and an adhesive applied on the lower surface of the sheet," "wherein the adhesive is structured to be releasably adhered directly to the mobile terminal housing or lens once initially applied," and "wherein the adhesive does not substantially retain its adhesiveness upon

removal from the mobile terminal housing or lens such that the sheet cannot substantially be re-applied once removed.”

In contrast, Gosselin does not disclose or suggest the above-presented recitations of the independent claims. As discussed above, the tape of Gosselin is multi-layer and includes an adhesive layer 16, a top layer 40, a flood coat 28 (to indicate tampering of the tape), and a backing layer 12 (comprising a frangible film) between the flood coat 26 and the top layer 40. As illustrated in Figure 6 of Gosselin, when the tape is tampered with, the top layer 40 is removed along the backing layer and the adhesive 16 layer and flood coat remains adhered to the surface. Therefore, Gosselin does not disclose that the adhesive is removed. In fact, the invention of Gosselin actually teaches that the adhesive has a strength that will not allow the applied tape to be easily removed from the surface. *See* Col. 10, ll. 10-16 of Gosselin. Yet, even if the tape of Gosselin is removed, there is no disclosure in Gosselin of the adhesive not substantially retaining its adhesiveness such that the tape cannot be substantially re-applied once removed. Since Gosselin teaches the strength of the adhesive is an important property, it stands to reason that, if the adhesive is removed, the adhesiveness would be of sufficient strength that the tape would be able to be re-applied. Given the above, it is submitted that Gosselin does not teach or suggest “wherein the adhesive does not substantially retain its adhesiveness upon removal from the mobile terminal housing or lens such that the sheet cannot substantially be re-applied once removed,” as recited in independent Claims 1, 22, and 34.

Applicants presume the Office may be interpreting the backing layer 12 as the claimed “adhesive.” However, Applicants submit that the backing layer of Gosselin, which is a frangible film, does not comprise an “adhesive” as recited in independent Claims 1, 22, and 34. In this regard, independent Claims 1, 22, and 34 have been amended to recite “wherein the adhesive is structured to be releasably adhered directly to the mobile terminal housing or lens once initially applied.” The backing layer of Gosselin is not “structured to be releasably adhered directly to the mobile terminal housing or lens once initially applied.” Instead, the backing layer 12 of Gosselin is either directly adhered to either the adhesive or the flood coat -- not the surface of the object the tape is adhered to. *See* Gosselin at Col. 4, ll. 19-26 and Figure 1. As such, Gosselin does not teach or suggest “wherein the adhesive is structured to be releasably adhered directly to the mobile terminal housing or lens once initially applied.”

Additionally, in rejecting independent Claims 1 and 22, the Office Action took Official

Notice that mobile terminals having cameras is well-known and generally stated “it would have been obvious to one of ordinary skill in the art to adhere Gosselin’s tampering device to any well-known objects including a lens on the camera of a mobile terminal/cellular telephone . . . .” Applicants do not traverse the Official Notice that mobile terminals may include cameras; however, it appears from the Office Action that the Office is seeking to expand the Official Notice beyond mobile terminals including cameras. In this regard, independent Claims 1 and 22 recite that the sheet “may be releasably adhered to the surface of the mobile terminal for covering the lens to substantially prevent substantially clear image capture by the imaging device.” This is not within the common knowledge of the prior art. Applicants request under M.P.E.P. 2144.03 that the Office produce authority for the assertion of Official Notice of Claims 1 and 22 presented on Page 4 of the Office Action.

In light of the above, Applicants submit that Gosselin does not teach or suggest each recited element of independent Claims 1, 22, and 34. Accordingly, Applicant submits that the rejection of independent Claims 1, 22, and 34 based on Gosselin should be withdrawn. Reconsideration and withdrawal of the rejection under Section 103 of Claims 1, 22, and 34 is respectfully solicited.

B. Claims 2-14, 17, 18, 23-25, 27-29, 32-33, and 35-38 Are Allowable

Claims 2-14, 17-18, 23-25, 27-29, 32-33, and 35-38 are dependent from either Claims 1, 22 or 34 and are allowable for at least the same reasons each base independent claim is allowable. Accordingly, Applicants respectfully request reconsideration and withdrawal of the rejection under Section 103 of Claims 2-14, 17, 18, 23-25, 27-29, 32-33, and 35-38.

C. Traversal of Official Notice to Claims 2-3, 12 and 23-25

In rejecting Claims 2-3, 14 and 23-25, the Office Action took Official Notice that certain elements were well-known to one skilled in the art. Applicants respectfully traverse each Official Notice presented in the Office Action.

Regarding dependent Claim 3, the Office took Official Notice at the second paragraph of Page 4 of the Office Action that the recitations of Claim 3 are “well known and expected in the art.” Dependent Claim 3 recites “wherein the lower surface of the sheet comprises a reflective surface.” This is not within the common knowledge of the prior art.

Turning to the Official Notice of dependent Claim 14, the Office stated that “the concept of providing latent retroreflective image on top surfaces of tampering sheets is well known and expected in the art.” Applicants disagree. Claim 14 depends on Claims 1, 10 and 13 and recites “wherein the machine-readable indicia is a latent retroreflective image.” This is not well known or expected in the prior art.

Dependent Claims 23-25 depend from independent Claim 22 and recite “the mobile terminal is a cellular telephone,” “the mobile terminal is used in a wireless communication system,” and “the imaging device is a camera,” respectively. These recitations, as applied to each base independent claim, are not within the common knowledge of the prior art.

For each of Claims 3, 14 and 23-25, Applicants demand that the Office produce authority for the assertions of Official Notice under M.P.E.P. 2144.03.

*D. Dependent Claims 19-21, 26 and 39-41 Are Patentable Over the Cited Art*

As previously presented, Claims 19-21 and 39-41 were rejected under 35 U.S.C. §103(a) as unpatentable over Gosselin in view of Otten and Claim 26 was rejected under 35 U.S.C. §103(a) as unpatentable over Gosselin in view of Koshu. Applicants respectfully traverse these rejections.

As previously described, independent Claims 1, 22, and 34 are allowable over Gosselin. It is submitted that neither Otten nor Koshu add anything to the teachings of Gosselin to render independent Claims 1, 22, or 34 unpatentable. Since Claims 19-21, 26 and 39-41 are dependent from Claims 1, 22 or 34, respectively, Claims 19-21, 26 and 39-41 are respectfully submitted to be allowable over the cited references for the same reasons Claims 1, 22 and 34 are allowable. For these reasons, Applicants request reconsideration and withdrawal of the rejection under Section 103 of Claims 19-21, 26 and 39-41.

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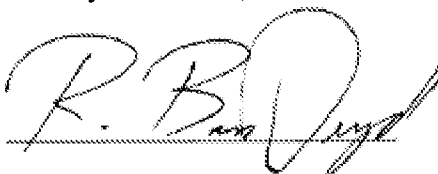
**Conclusion**

In view of the amended claims and the remarks presented above, it is respectfully submitted that all of the present claims of the application are in condition for immediate allowance. It is therefore respectfully requested that a Notice of Allowance be issued. The Examiner is encouraged to contact Applicant's undersigned attorney to resolve any remaining issues in order to expedite examination of the present application.

It is not believed that extensions of time or fees for net addition of claims are required, beyond those that may otherwise be provided for in documents accompanying this paper. However, in the event that additional extensions of time are necessary to allow consideration of this paper, such extensions are hereby petitioned under 37 CFR § 1.136(a), and any fee required therefore (including fees for net addition of claims) is hereby authorized to be charged to Deposit Account No. 13-4365.

Respectfully submitted,

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